

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: NEW ENGLAND FAST FERRY, LLC :
TARIFF FILING : DOCKET NO. 3507

ORDER

WHEREAS, On April 11, 2003, New England Fast Ferry (“NEFF”) filed an application with the Public Utilities Commission (“Commission”) for approval of its rates for ferry transportation between the city of Newport and the city of Providence commencing on May 1, 2003; and

WHEREAS, In its application, NEFF requested expedited treatment to allow service to commence on May 1, 2003; and

WHEREAS, On April 15, 2000, NEFF filed a Motion for an Exemption from Notice and Hearing Requirements of R.I.G.L. § 39-3-11; and

WHEREAS, The proposed ferry rates were negotiated by the Rhode Island Public Transit Authority (“RIPTA”) and are subject to Commission’s approval;¹ and

WHEREAS, On April 18, 2000, after examination, the Division of Public Utilities and Carriers filed a provisional response to NEFF’s application and motion indicating that it had reviewed the proposed tariff filing, and “assuming that the Division issues a report and order approving the transfer of Water Carrier Operating Certificate W-1167 to Fast Ferry [from Boston Harbor Cruises, LLC], and further assuming that Fast Ferry receives the certificate of operating authority after satisfying any condition imposed upon

¹ The project is subsidized through a grant of \$900,000 to the State of Rhode Island under the Intermodal Surface Transportation Efficiency Act/Congestion Mitigation Air Quality (“CMAQ”) Program. The project is to be operated under a contract with RIPTA. The passenger fares for the ferry service only are as follows: Adults--\$6.00 one way, \$12.00 round trip; Senior Citizens, Disabled Individuals and children Ages 5-11 - \$4.00 one way, \$8.00 round trip; and children under 5 years old are free.

it by the Division in the Division's report and order regarding the transfer, the Division" recommended approval of the rates and further that the Commission waive further investigation and public hearings; and

WHEREAS, The Commission considered the matter at an open meeting and found the proposed rates to be proper, reasonable, and in the best interests of the ratepayers; and

WHEREAS, the Commission conditioned its approval of NEFF's tariff filing upon the filing of a true and exact copy of the actual water carrier certificate W-1167² with the Commission because, notwithstanding the Commission's jurisdiction to approve the tariff rates, NEFF may not operate without a Water Carrier Operating Certificate issued by the Division of Public Utilities and Carriers; and

WHEREAS, The Commission further found that a comprehensive rate proceeding is not required in this matter and therefore elected to exercise its option under R.I.G.L. § 39-3-12, finding good cause to exist to waive further investigation, further notice and public hearing based upon the fact that the services, proposed by the applicant, do not constitute "lifeline" ferry services to an isolated ratepayer population.

² On April 22, 2003, the Division issued Order No. 17426 in Docket No. 03-MC-25, approving the transfer of Certification W-1167 from Boston Harbor Cruises, LLC to New England Fast Ferry, LLC conditioned upon NEFF making a showing that it had complied with all governmental regulations, that it file proof of insurance and receive approval of tariffs by the Commission. Once NEFF complies with the Division requirements, it will receive the certificate.

Accordingly, it is

(17440) ORDERED:

1. That the April 11, 2003 tariff filing made by New England Fast Ferry, LLC seeking approval of its rates for ferry transportation between the city of Newport and the city of Providence commencing on May 1, 2003, subject to New England Fast Ferry, LLC filing a true and exact copy of its Water Carrier Certificate with the Commission.
2. Appendix A of the April 11, 2003 tariff filing, attached and incorporated by reference, is hereby adopted and shall constitute the authorized rates and schedules of New England Fast Ferry, LLC, until further ordered by the Commission.

EFFECTIVE AT WARWICK, RHODE ISLAND ON APRIL 24, 2003, PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON APRIL 28, 2003.

PUBLIC UTILITIES COMMISSION

Elia Germani, Chairman

Kate F. Racine, Commissioner

Brenda K. Gaynor, Commissioner